ANNEXURE III.

MINISTRY OF INDUSTRY AND SUPPLY.

NEW DELHI,
the 4th November 1950.

S.R.O. 846.—In exercise of the powers conferred by Section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the powers conferred on it by sub-section (1) of Section 3 of the said Act to provide for the matters specified in clauses (c), (d), (e), (f), (g), (h), (i) and (j) of sub-section (2) thereof shall, in relation to cotton textiles, be exercisable also by the Government of any Part B State, subject to the condition that no order made by such Government in the exercise of the aforesaid powers shall have effect in so far as it is repugnant to any order made under the said sub-section (1) by the Central Government.

(No. 9 (12)-Tex. 1—50).

B. K. KAUL,
Deputy Secretary.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE.

EXPORT TRADE CONTROL.

NEW DELHI,
the 26th March 1949.

No. 67-C. W. (25)—48. In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) the Central Government is pleased to make the following order, namely :—

1. (i) This Order may be called the Cotton Textiles (Export Control) Order, 1949.

(ii) It extends to the whole of India except the State of Jammu and Kashmir. (a)

(iii) It shall come into force at once.

1-A. All notifications and orders issued or made under this Order which immediately before 13th January, 1951 were in force in certain parts of India are hereby extended to and shall be in force in the rest of India except the State of Jammu and Kashmir. (b)

2. In this Order unless there is anything repugnant in the subject or context :—

(*a*) "export" means to take out of any Province in India by land, air or water to any place outside India. (c)

(a) Instead of the words "all the provinces in India", the words "whole of India except part 'B' States" were substituted by the Ministry of Commerce Notification No. 13 (84)-TP(T)—49 dated 12th August, 1950 and the words "Except part 'B' States" deleted and the words "except the State of Jammu and Kashmir" added by the Ministry of Commerce Notification No. 13 (84) T. P. (T.)—49, dated 13th January, 1951.

(b) Added by the Ministry of Commerce Notification No. 13 (84) T.P (T.)—49 dated 13th January, 1951.

(c) The words "other than a place in Pakistan" inserted by Ministry of Commerce Notification No. 67 C.W. (25)—48, dated 18th June 1949, deleted by that Ministry Notification No. 67-C. W. (25)—48, dated 30th June, 1949.

(b) "Export Trade Controller" means an Export Trade Controller appointed by the Central Government and includes any other officer authorised by the Central Government to perform all or any of the functions of an Export Trade Controller under this Order;

(c) "exporter" means a person holding a valid export license issued by or under the orders of an Export Trade Controller authorising him to export cloth or yarn;

(d) "carrier" includes any person engaged in the business of transporting property from any Province in India to a place outside India by land, air or water; (d)

(e) "cloth", "yarn", "dealer", "manufacturer" "producer" and "processor", shall have the meanings respectively assigned to them in the Cotton Textiles (Control) Order, 1948;

(f) "Textile Commissioner" means the Textile Commissioner, the Additional Textile Commissioner or the Joint Textile Commissioner appointed by the Central Government and includes any officer authorised by such Textile Commissioner to exercise all or any of the powers of the Textile Commissioner under this Order; (e)

3. Save in accordance with the permission of the Textile Commissioner and subject to such conditions as he may impose as to selling price the markings to be made or otherwise, no person other than a producer shall sell, agree to sell or store for sale to any person any cloth or yarn manufactured for export. (f)

4. No person shall save in accordance with the general or special permission of the Textile Commissioner export, sell or agree to sell for export cloth or yarn which has been marked with prices. (g)

5. (i) The Central Government may by notification in the official Gazette direct that, from such date as may be specified in the notification all cloth or yarn exported or intended for export and the packing thereof shall conform to such minimum standard or specifications and shall bear such markings made at such time and in such manner as may be specified in the notification; and thereupon no person shall sell or otherwise dispose of and no person shall by or otherwise acquire for export any cloth or yarn which does not conform to these directions.

Provided that the Central Government or the Textile Commissioner may by general or special order exempt any cloth or yarn or any class of cloth or yarn from the provisions of this sub-clause.

(ii) The Textile Commissioner may with a view to ascertain the quality or prices of cloth or yarn intended for export or with a view to securing compliance with sub-clause (i). (h)

(a) direct any person to give any information or produce any document in his possession with respect to any business in cloth or yarn carried on by that or any other person;

Page 1.

(d) Original Sub-clause (c) and sub-clause (h) deleted by Ministry of Commerce Notification No. 13 (7)-T. P. (T.)—50, dated 30th June, 1950.

(e) The words "selling price" deleted by Ministry of Commerce Notification No. 13 (7) T. P. (T.)—50 dated 16th February 1950, and inserted by the Ministry of Commerce Notification No. 13 (7)-T. P. (T)—50, dated 25th March, 1950.

(f) The word "manufactured" inserted by Ministry of Commerce Notification No. 13 (29)-T. P. (T.)—49, dated 12th November, 1949.

Page 2.

(g) Clauses 5 and 8 deleted by Ministry of Commerce Notification No. 13 (7)-T. P. (T.)—50 dated 16th February, 1950.

(h) As substituted by the Ministry of Commerce Notification No. 13 (90)TP (T)—50 dated 7th October, 1950.

(*b*) direct any manufacturer or exporter to furnish returns in respect of cloth or yarn sold by him for export and the prices charged therefor;

(*c*) inspect or cause to be inspected any cloth or yarn;

(*d*) direct any manufacturer or exporter to open any bale or package of cloth or yarn intended for export for the purpose of inspection;

(*e*) enter and search or *authorise* any person to enter and search any premises where cloth or yarn is manufactured or stored;

(*f*) enter and search or *authorise* any person to enter and search any premises, vehicles, vessels, or aircraft in which he has reason to believe any cloth or yarn intended for export is stored or carried;

(*g*) direct any manufacturer or exporter to furnish samples of any cloth, or yarn, such samples, in the case of cloth, being of dimensions of 6″ × 6″ and in the case of yarn, being not less than a hank;

(*h*) seize, or cause to be seized, any cloth in respect of which he has reason to believe that a contravention of sub-clause (i) has been committed.

6. No cloth or yarn shall be exported except by, or through the agency an exporter.

7. Any Export Trade Controller may with a view to securing compliance with this Order—

(*a*) require any person to give any information or produce any document in his possession with respect to any business carried on by that or any other person;

(*b*) require any manufacturer or dealer to furnish returns in respect of cloth or yarn sold by him for export; (A)

(*c*) inspect or cause to be inspected any cloth or yarn sold or intended to be sold for export;

(*d*) seize or cause to be seized any cloth or yarn in respect of which he has reason to believe that a contravention of this order has been committed.

8. No person shall refuse to give any information, produce any document or furnish any sample or return lawfully demanded from him under this Order or to comply with any other direction given under the Order. (B)

9. Every carrier by sea or air shall at the request of an exporter furnish him with a certificate showing the quantity of cloth or yarn contained in the consignment exported by him or through his agency, the name or other identifying particulars of the vessel or aircraft in which the consignment was exported and the date of such export.

10. A court trying any contravention of this Order may without prejudice to any other sentence which it may pass direct that any cloth or yarn in respect of which it is satisfied that such contravention has occurred shall be forfeited to the Central Government.

11. (i) The Cloth and Yarn (Export Control) Order, 1945 is hereby repealed; provided that anything done or deemed to have been done under any provision of the said Order shall be deemed to have been done under the corresponding provision of this Order, and any reference in any instrument to any provision of the said Order or any notifications issued thereunder shall be deemed to be a reference to the corresponding provision of this Order or any notification issued thereunder.

(ii) Any order corresponding to this Order and in force in any Part B State immediately before 13th January, 1951 is hereby repealed. (C)

(A) The words "and prices charged therefor" deleted by Ministry of Commerce Notification No. 13 (7)-TP (T)—50, dated 16th February 1950.

(B) Inserted by the Ministry of Commerce Notification No. 13 (90)-TP (T)—50, dated 7th October 1950.

(C) Inserted by the Ministry of Commerce Notification No. 13 (84)-TP (T)—49, dated 13th January, 1951.